



U.S. Immigration
and Customs
Enforcement

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News Release

COUPLE INDICTED FOR PROTECTED-SPECIES VIOLATIONS

Their Chicago art gallery, Primitive Art Works, also indicted

CHICAGO — An Oak Brook couple, who traveled the world to purchase unusual and exotic artifacts for their home and their Chicago gallery, were indicted today on federal charges for allegedly violating various wildlife protection laws. They're accused of smuggling, possessing and selling merchandise composed of parts of protected wildlife and migratory birds. Today's indictment is the result of a joint investigation by U.S. Fish and Wildlife and U.S. Immigration and Customs Enforcement (ICE).

The investigation began in March 2003 and a month later yielded one of the largest seizures ever in the United States of endangered and protected-species artifacts. The seizures occurred at Chicago's O'Hare International Airport when the couple returned from a trip to China. More seizures occurred two days later when ICE and Fish and Wildlife agents executed search warrants at their home, their River North boutique, which was also indicted, and a warehouse.

A federal grand jury returned a 20-count indictment against Glen Joffe, 55, and Claudia Ashleigh-Morgan, 54, both of 106 Saddlebrook Dr., Oak Brook, and Joffe's gallery, Primitive Art Works, 706 North Wells St., Chicago, announced Patrick J. Fitzgerald, U.S. Attorney for the Northern District of Illinois. Primitive Art Works sells furniture, jewelry, antiques and artifacts, and a substantial volume of items it offered for sale in April 2003 – priced altogether at no less than \$250,000 – were made from protected wildlife and migratory birds, according to the indictment. Primitive Art Works also maintained a warehouse at 1200 West 35 St., Chicago.

Joffe and Ashleigh-Morgan were each charged with one count of conspiracy to smuggle and sell illegally imported merchandise made from parts of protected wildlife and migratory birds. Joffe was also charged with seven counts of smuggling such merchandise, two counts of violating the Endangered Species Act, one count each of making false statements to U.S. Customs and Border Protection (CBP) inspectors and making a false statement on a Customs declaration, one misdemeanor and one felony count of violating the Migratory Bird Treaty Act, and three counts of illegally structuring cash withdrawals from his business bank account.

Ashleigh-Morgan was also charged with two counts of smuggling protected artifacts, one count each of making false statements to agents and making a false Customs declaration, and a misdemeanor count of violating the Migratory Bird Treaty Act.

The business, Primitive Art Works, was charged with seven counts of smuggling protected artifacts, two counts of violating the Endangered Species Act, and one felony count of violating the Migratory Bird Treaty Act. All three defendants will be arraigned at a later date in U.S. District Court.

In March 2003, wildlife artifacts displayed in Joffe and Ashleigh-Morgan's home were featured in a newspaper article and Fish and Wildlife agents observed accompanying photographs showing items that appeared to be made from endangered species. ICE and Fish and Wildlife agents then browsed the Primitive Art Works gallery and discovered numerous items for sale that also appeared to be made from endangered species. On April 21, 2003, the couple returned to Chicago on a flight from Beijing, China. The indictment charges both of them with lying to U.S. Customs and Border Protection (CBP) inspectors and making false Customs declarations about merchandise they were bringing into the country. Various items made of ivory and other wildlife items were seized. Two days later, ICE and Fish and Wildlife agents, working together, executed search warrants at the couple's residence, Primitive Art Works and a warehouse, and seized numerous items, including feathered headdresses and other products made from endangered birds. All of the items seized are allegedly subject to forfeiture.

Among the wildlife merchandise that Joffe and Primitive Art Works allegedly illegally offered for sale at the gallery on April 23, 2003, were items consisting of: elephant (*Elephantidae*), hippopotamus (*Hippopotamus amphibius*), Hawksbill sea turtle (*Eretmochelys imbricata*), Olive Ridley sea turtle (*Lepidochelys olivacea*), green sea turtle (*Chelonia mydas*), leopard (*Panthera pardus*), tiger (*Panthera tigris*), lion (*Panthera leo* and/or *Panthera leo persica*), jaguar (*Panthera onca*), crocodile (*Crocodylus*), scarlet macaw (*Ara macao*), hyacinth macaw (*Anodorhynchus hyacinthinus*), blue-and-yellow macaw (*Ara ararauna*), red-and-green macaw (*Ara chloroptera*), crested caracara (*Caracara plancus*), orange-winged parrot (*Amazona amazonica*), jabiru (*Jabiru mycteria*), wood stork (*Mycteria americana*) and harpy eagle (*Harpia harpyja*).

"Illegal trafficking of merchandise made from protected wildlife threatens the very existence of endangered and protected species," Mr. Fitzgerald said. "By prosecuting those who engage in such commerce, we hope that such trafficking becomes endangered, rather than the threatened species."

Mr. Fitzgerald announced the charges together with Mary Jane Lavin, Special Agent-in-Charge of Law Enforcement for the U.S. Fish and Wildlife Service Great Lakes Region; Stan Travers, Assistant Special Agent-in-Charge, U.S. Immigration and Customs Enforcement (ICE) in Chicago; Byram Tichenor, Special Agent-in-Charge of the Internal Revenue Service Criminal Investigation Division in Chicago; and Carl Ambroson, Chicago area port director for U.S. Customs and Border Protection.

“The unsanctioned trafficking in animals and animal parts is a black-market commerce driven by ruthless poachers who threaten the existence of the world’s most exotic animals,” said Gary Hartwig, deputy special agent-in-charge of ICE’s Chicago office. “ICE is working to ensure that these items are not smuggled into the U.S. in violation of wildlife protection laws.”

Ms. Lavin said: “Today’s indictment illustrates why many wildlife species need protection of federal and international law. The illegal wildlife market begins overseas with the poaching of some of the world’s most majestic creatures and ends in major U.S. cities, where personal greed and trendy fashion combine to drive the demand.”

According to the indictment, federal law and regulations protect wildlife and migratory birds under an international treaty, the Convention on International Trade in Endangered Species (CITES), the Endangered Species Act, and the Migratory Bird Treaty Act. These laws make it illegal, without a permit, to possess protected migratory birds or engage in commerce regarding any wildlife that is listed as protected or endangered by these laws and regulations, including their parts or products. At no time did any of the defendants present to agents any valid CITES import or export permits, or foreign re-export certificates to import any species of protected wildlife listed in the indictment. Nor did they have a permit allowing them to purchase, possess or sell any migratory birds or their parts. On March 12, 2002, Joffe applied for an import/export license at the Fish and Wildlife Service regional office in Fort Snelling, Minn., stating that he had read and was familiar with regulations for importing wildlife products into the U.S.

Between April 2001 and April 24, 2003, Joffe and Ashleigh-Morgan allegedly conspired with each other and others to smuggle protected wildlife and migratory bird parts into the country and to possess and/or sell these items knowing it was illegal to do so. As part of the conspiracy, the indictment alleges that they traveled abroad to Asia, Africa, South America and elsewhere to purchase items made from wildlife. Joffe also allegedly purchased feathered items made from migratory birds from individuals in France, Brazil and Bolivia, and caused those items to be imported to the United States.

As part of the conspiracy, Joffe allegedly imported illegal items through brokerage companies without declaring them to U.S. Customs and Border Protection authorities. Joffe and Ashleigh-Morgan caused the creation of false shipping manifests that failed to identify the shipped merchandise, such as ivory from China in 2001, the charges allege.

The conspiracy count and the three money-structuring counts allege that Joffe made cash withdrawals from his business bank account in amounts just under \$10,000 before taking his trips abroad to avoid cash transaction reporting requirements and used the cash to fund his purchases of items made from wildlife. In this manner, he allegedly obtained \$27,500 in cash during Aug. 22-24, 2001; \$44,700 in cash during Dec. 18-21, 2001; and \$29,850 in cash during March 25-26, 2001.

On April 21, 2003, when the couple returned to O'Hare from China, Ashleigh-Morgan allegedly brought into the country a comb made from sea turtle (*Eretmochelys imbricata*), three ivory carvings made from the tusk of elephants (*Elephantidae*), and an ivory pendant in the shape of a mask made from the tusk of hippopotamus (*Hippopotamus amphibius*). When questioned by CBP inspectors about the items, she falsely stated that: 1) the comb in her luggage was made of plastic, knowing that it was made from sea turtle; 2) the ivory toggles in her luggage and ivory mask pendant she was wearing were made from bone, knowing that they were made from elephant and hippopotamus, respectively; and 3) wildlife items were not sold at Primitive Art Works, knowing that Joffe sold or offered for sale numerous items made from wildlife at the gallery.

At the same time, Joffe allegedly made false statements to CBP inspectors at O'Hare when he told them that: 1) certain ivory carvings found in Ashleigh-Morgan's luggage were made from bone; and 2) he did not sell wildlife products at his gallery, when he knew that 1) the ivory carvings were made from tusks of an unspecified ivory source; and 2) he sold or offered to sell numerous products made from wildlife at Primitive Art Works.

The government is being represented by Assistant U.S. Attorneys Stephen Kubiowski and Monika Bickert. If convicted, the charges alleged in the indictment carry the following maximum penalties on each count: conspiracy, smuggling, making false statements and structuring cash transactions – five years in prison and a \$250,000 fine; making a false Customs declaration – two years in prison and a \$250,000 fine; violating the Endangered Species Act and felony violation of the Migratory Bird Treaty Act – one year in prison and a \$250,000 fine; and misdemeanor violation of the Migratory Bird Treaty Act – six months in prison and a \$100,000 fine. Primitive Art Works, if convicted, would be subject to terms of probation and fines.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendants are presumed innocent and are entitled to a fair trial at which the United States has the burden of proving guilt beyond a reasonable doubt.

ICE

U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.